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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/024,131	12/21/2001	Michael Leslie Kotewicz	0942.049000B

CONFIRMATION NO. 4058

26111

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W., SUITE 600
WASHINGTON, DC 20005-3934

FORMALITIES LETTER



OC000000007392927

Date Mailed: 01/30/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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A copy of this notice **MUST** be returned with the reply.

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



**Sterne Kessler
Goldstein Fox**
ATTORNEYS AT LAW



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbalà
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Millonig
Lawrence B. Bugalsky
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
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Crystal D. Sayles
Edward W. Yee
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Molly A. McCall
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Albert J. Fasulo II*
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Thomas C. Fiala
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Elizabeth J. Haanes
Bruce E. Chalker
Joseph S. Ostroff
Frank R. Cottingham*
Christine M. Tholier
Rae Lynn Pregarman*
Jane Shershenovich*
Lawrence J. Carroll*

Senior Counsel
Samuel L. Fox
Kenneth C. Bass III

Registered Patent Agents
Karen R. Markowicz
Andrea J. Kamage
Nancy J. Leith
Joseph M. Conrad III
Ann E. Summerfield
Helene C. Carlson
Gaby L. Longworth
Matthew J. Dowd
Aaron L. Schwartz
Angelique G. Uy
Boris A. Matvenko
Mary B. Tung

*Admitted only in Maryland
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February 28, 2002

WRITER'S DIRECT NUMBER:
(202) 371-2560

INTERNET ADDRESS:
RESMOND@SKGF.COM

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Commissioner for Patents
Washington, D.C. 20231

Art Unit 1652

Re: U.S. Utility Patent Application
Appl. No. 10/024,131; Filed: December 21, 2001
For: **Cloned Genes Encoding Reverse Transcriptase Lacking RNase H
Activity**
Inventors: Kotewicz *et al.*
Our Ref: 0942.049000B/RWE/MTT

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Response and Request for Reconsideration of Notice to Comply with Sequence Requirements; and
2. One (1) Return Postcard.

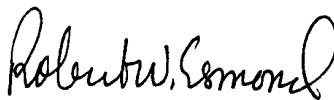
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
February 28, 2002
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

Enclosures

PAUSERS\MTRAN\0942\049000B\Response.Reconsider.Notice to Comply with Sequence Req
SKGF Rev. 2/15/02 dcw



#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KOTEWICZ *et al.*

Appl. No. 10/024,131

Filed: December 21, 2001

For: **Cloned Genes Encoding Reverse
Transcriptase Lacking RNase H
Activity**

Confirmation No.: 4058

Art Unit: 1652

Examiner: *To be assigned*

Atty. Docket: 0942.049000B

**Response and Request for Reconsideration of Notice to Comply with
Sequence Requirements**Commissioner for Patents
Washington, D.C. 20231**RECEIVED**

MAR 06 2002

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Sir:

This letter responds to and requests reconsideration of, the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.

Applicants assert that the present application is a CONTINUATION of U.S. Application No. 09/220,329, filed **December 24, 1998**, which is a Continuation of Application No. 08/798,458 filed on February 10, 1997, which is a Continuation of Application No. 08/614,260 filed on March 12, 1996, which is a Continuation of 08/404,907 filed on March 15, 1995, which is a Continuation of 07/825,260 filed on January 24, 1992, which is a Divisional of Application No. 07/671,156 filed on March 18, 1991, which is a Continuation of 07/143,396 filed on January 13, 1988.

The requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures went into effect October 1, 1990, after the filing date of the parent application (Application No. 07/143,396 filed on **January 13, 1988**).

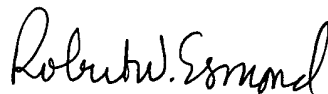
The *Federal Register*, Vol. 55, No. 84, page 18230, states that "the final rules will not apply, except on a voluntary basis, to continuation or divisional applications filed after the effective date unless any application upon which 35 U.S.C. § 120 priority is claimed was also subject to these rules."

Accordingly, Applicants believe that a sequence listing is not required for the present application.

In view of the foregoing, it is respectfully submitted that the instant application complies with the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosure. Accordingly, reconsideration is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

Date: Feb 28, 2002

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600